

PATENT

Serial No. 10/597,582

Amendment in Reply to Office Action of September 9, 2008

REMARKS

This Amendment is being filed in response to the Office Action mailed September 9, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 remain in the Application where claims 11-20 have been added. Claims 1 and 12 are independent.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, claims 1-10 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A'. Such amendments to claims 1-10 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner objected to the

specification for certain informalities. In response, the specification has been amended to remove the informalities noted by the Examiner, as well as other informalities. Accordingly, withdrawal of the objection to the specification is respectfully requested.

In the Office Action, claim 6 is rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Without agreeing with the position forwarded in the Office Action and in the interest of advancing prosecution, claim 6 has been amended to remove the alleged informality noted in the Office Action. It is respectfully submitted that the rejection of claim 6 has been overcome and an indication as such is respectfully requested.

In the Office Action, claims 1-5 and 7-10 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by an article entitled "Anisotropic Bending and Unbending Behavior of Azobenzene Liquid-Crystalline Gels by Light Exposure" (Ikeda). It is respectfully submitted that claims 1-20 are patentable over Ikeda for at least the following reasons.

Ikeda is directed to azobenzene liquid-crystalline gels the bend by light exposure. As specifically recited on page 203, right column, second full paragraph, lines 11-17:

photoisomerization occurs only in the surface regions, and in the bulk of the film the trans forms of the azobenzene remain unchanged. In other words, the volume contraction is induced only in the surface region of the cross-linked LC polymer film upon irradiation. (Emphasis provided)

In stark contrast, the present invention as recited in independent claim 1, amongst other patentable elements, recites (illustrative emphasis provided) :

the foil moves when absorbing light of a predetermined wavelength by contraction along a first surface and expansion along a second surface.

A foil that contracts by light along a first surface and expands along a second surface is nowhere disclosed or suggested in Ikeda. Rather, Ikeda merely discloses a foil where volume contraction is induces only in the surface.

Further, Ikeda does not teach or suggest the present invention as recited in independent claim 12 which, amongst other patentable elements, recites (illustrative emphasis provided) :

wherein absorption of the light takes place across an entire thickness of the foil and lateral changes take place across the entire thickness.

Accordingly, it is respectfully submitted that independent claims 1 and 12 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 1-11 and 13-20 should also be allowed at least based on their dependence from amended independent claims 1 and 12, as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

PATENT

Serial No. 10/597,582

Amendment in Reply to Office Action of September 9, 2008

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By Dicran Halajian
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
December 8, 2008

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101